IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.9380 of 2005

Shri Prasad Ramesh Sisode Petitioner.
Vs
The State of Maharashtra& Ors. ..Respondents

Mr R.K.Mendadkar with Ms H.K.Mandlik for the petitioner.
Mr. P.M.Patil,Asst Govt. Pleader, for respondents.

CORAM: H.S. BEDI, C.J. , &
V.M.KANADE, J.

DATE: 18th December, 2006.

P.C.:-

1. We have heard the learned counsel for the parties.

2. The petitioner has impugned the order dated 26th September 2005 Exhibit A to the petition made by the Caste Scrutiny Committee, Konkan Division, Thane whereby the caste certificate dated 27th March 1998 has been invalidated. It is the case of the petitioner that he belongs to Thakur Scheduled Tribe and was entitled to the caste certificate in that capacity. The petitioner has raised several issues including the one that his cousin Kum Prasanna Amrut Sisodia who had obtained caste certificate dated 19th September 2005 had been identified as belonging to the Thakur Scheduled Tribe and as such there was .no reason whatsoever to treat the petitioner differently. In

the affidavit in reply filed by one Vithal Namdeo Thombare, Sr Research Officer in paragraph 1(a) it has been pointed out that the petitioner's real cousin sister Kum Prasanna Amrutrao Sisodia had been given the validity certificate on 19th September 2004 by the Nasik Committee because of the legal position prevailing during that period. We put a question to the learned Assistant Government Pleader as to what the affidavit meant by referring to the legal position prevailing during that period. He was unable to give a satisfactory reply. In view of the fact that Kum Prasanna Amrut Sisodia is the first cousin of the petitioner and she had received the caste certificate identifying her as belonging to Thakur Scheduled Tribe, we see no reason why the petitioner should not be treated in a like manner. We accordingly allow this petition, quash the impugned order dated 26th September 2005 passed by respondent No. 2 Committee and direct the Caste Scrutiny Committee to issue the caste validity certificate to the petitioner within a period of one month from today.

Petition is disposed of accordingly.

CHIEF JUSTICE.

V.M.KANADE, J.